in a Formal Hearing
Richard: Johnson El-Bey
In Propria Persona, Sui Juris
C/O: [10339] Curtis Street
Detroit, Non-Domestic
NEAR Michigan Republic [48221]
Defendant in Error

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Chapter 9 Case No. 13-53846
HONORABLE STEVEN W. RHODES

In re
In re CITY OF DETROIT, MICHIGAN AND
KEVYN D. ORR, MIKE DUGGAN,
GAURAV MALHOTRA AND CHARLES M. MOORE
AND RICHARD SYNDER GOVERNOR, ET AL
DEBTOR

-VS.

Richard: Johnson El-Bey
[10339] Curtis
Non-Domestic Detroit
Michigan [48221]

RESERVE THE RIGHT TO AMEND CORRECT AND CURE
HEARING AND ORAL ARGUMENT REQUESTED

OBJECTION TO PETITION AND ENTRY OF AN ORDER FOR RELIEF AND LACK OF STANDING OF CITY OF DETROIT, MICHIGAN AND KEVYN D. ORR, MIKE DUGGAN, GAURAV MALHOTRA AND CHARLES M. MOORE AND RICHARD SYNDER GOVERNOR FOR VIOLATION OF: NORTHWEST ORDINANCE, 1835 MICHIGAN CONSTITUTION, 1850 MICHIGAN CONSTITUTION, 1908 MICHIGAN CONSTITUTION, 1963 MICHIGAN CONSTITUTION EQUAL FOOTING DOCTRINE, MARBURY -v. Madison,COINAGE ACT OF 1792, U.S. CONSTITUTION ARTICLE 1:10, ARTICLE 6:2, WARE -v. HYLTON, AND 13TH AMENDMENT-SLAVERY,VIOLATION OF SELF DETERMINATION OF THE MOORISH INDIGENOUS PEOPLES, VIOLATION OF UNITED NATIONS CHARTER AND - HUMAN RIGHTS TREATY OF 1948 UNITED NATION RIGHTS OF INDIGENOUS PEOPLE 61/295 SEPTEMBER 13, 2007

INTRODUCTION 2013 BANKRUPTCY

Now, Comes Richard El-Bey and demand copies of all emails from CITY OF DETROIT, MICHIGAN AND MAYOR BING, KEVYN D. ORR, MIKE DUGGAN, GAURAV MALHOTRA AND CHARLES M. MOORE AND RICHARD SYNDER GOVERNOR, ET AL, so I can properly defend this case. I did not vote Mr. ORR into Office to represent me so I now question his standing to file a bankruptcy in my behalf. I want MR. ORR to give me documents to show how I am a creditor of THE CITY OF DETROIT, MICHIGAN, when I am not a supplier or vendor for THE CITY OF DETROIT, MICHIGAN, nor do I live there, I live in the Detroit that was founded in 1701, which is not a corporation. I want MR. ORR to show what the STATE OF MICHIGAN, MICHIGAN paid us the peoples of Detroit what they paid for it in 1963 when the corporation took our Detroit and who did they pay for our assets. Now when the bankruptcy of 1933 they stole our homes and our energy of our bodies, our babies, etc, etc. and I want fair dealing in this instant matter – lay it all on the table so that we will know what's happening so that we can properly defend your actions.

From 1913 until 1933 the U.S. paid the "interest" with more and more gold. The structured inevitability soon transpired; the Treasury was empty, the debt was greater than ever, and the U.S. declared bankruptcy. In exchange for using notes belonging to bankers who create them out of nothing on our own credit, we are forced to repay in substance (labor, property, land, businesses, resources - life) in ever-increasing amounts. This may be the greatest heist and fraud of all time.

When a government goes bankrupt, it looses its sovereignty. In 1933 the U.S. declared bankruptcy, as expressed in Roosevelt's Executive Orders 6073, 6102, 6111, and 6260, House Joint Resolution 192 of June 5, 1933 confirmed in Perry v. U.S. (1935) 294 U.S. 330-381, 79 LEd 912, as well as 31 United States Code (USC) 5112, 5119 and 12 USC 95a.

The bankrupt U.S. went into receivership, reorganized in favor of its creditors and new owners. 1913 turned over America lock, stock, and barrel to a handful of criminals whose avowed intent from the beginning was to plunder, bankrupt, conquer, and enslave the people of the United States of America and eliminate the nation from the face of the earth. The goal was, and is, to absorb America into a one-world private commercial government, a "New World Order."

With the Erie RR v. Thompkins case of 1938 the Supreme Court confirmed their success; we are now in an international private commercial jurisdiction in colorable admiralty-maritime under the Law Merchant. We have been conned and betrayed out of our sovereignty, rights, property, freedom, common law, Article III courts, and Republic. The Bill of Rights has been statutized into "civil rights" in commerce.

America has been stolen. We have been made slaves: permanent debtors, bankrupt, in legal incapacity, rendered "commercial persons," "residents," and corporate franchisees known as "citizens of the United States" under the so-called "14th Amendment." Said "Amendment" (which was never ratified - see Congressional Record, June 13, 1967; Dyett v. Turner, (1968) 439 P2d 266, 267; State v. Phillips, (1975) affirmed a citizenship

CITY OF DETROIT, MICHIGAN AND KEVYN D. ORR, MIKE DUGGAN, GAURAV MALHOTRA AND CHARLES M. MOORE AND RICHARD SYNDER GOVERNOR, ET AL LACK OF STANDING TO SUE FOR BANKRUPTCY

We also want you to prove your standing because what has been done violates the rights to self determination of the UNITED STATES CONSTITUTION AND THE HUMAN RIGHTS TREATIES OF THE UNITED NATIONS.

A **discharge** in United States bankruptcy law, when referring to a debtor's discharge, is a statutory injunction against the commencement or continuation of an action (or the employment of process, or an act) to collect, recover or offset a debt as a personal liability of the debtor.[1] The discharge is one of the primary benefits afforded by relief under the Bankruptcy Code and is essential to the "fresh start" of debtors following bankruptcy that is a central principle under federal bankruptcy law. Discharge is also believed to play an important role in credit markets by encouraging lenders, who may be more sophisticated and have better information than debtors, to monitor debtors and limit risk-taking.[2]

A discharge of debts is granted to debtors but can be denied or revoked by the court based on certain misconduct of debtors, including fraudulent actions or failure of a debtor to disclose all assets during a bankruptcy case. Some debts, such as alimony and childsupport, cannot be discharged in bankruptcy, while others, such as student loans, are difficult to discharge and are therefore rarely discharged.[2]

The benefit of the discharge injunction is narrower than (but similar to) the benefit afforded by the automatic stay in bankruptcy.

U.S. law also provides for specialized discharges in bankruptcy (see below).

Bankruptcy discharge for the debtor

In the United States, there are generally seven kinds of debtor discharges in bankruptcy, found in the following statutes:

11 U.S.C. § 727(a) (relating to liquidation bankruptcies for individuals);
11 U.S.C. § 944(b) (relating to municipal bankruptcies);
11 U.S.C. § 1141(d)(1)(A) (relating to discharges resulting from confirmation of a Chapter 11 plan of reorganization);
11 U.S.C. § 1228(a) (relating to certain family farmer or fisherman cases);

11 U.S.C. § 1228(b) (relating to certain family farmer or fisherman cases);
11 U.S.C. § 1328(a) (relating to certain cases involving adjustment of debts of an individual with regular income);
11 U.S.C. § 1328(b) (relating to certain cases involving adjustment of debts of an individual with regular income).

The effect of the debtor's discharge is provided for at 11 U.S.C. § 524. In addition, certain limitations on the debtor's discharge are described at 11 U.S.C. § 523.

For more information on the debtor's discharge, see Bankruptcy in the United States.

Other discharges in bankruptcy

In the United States, with respect to taxes incurred by the bankruptcy estate (as opposed to the debtor) during case administration, a specialized discharge for the trustee, the debtor, any successor to the debtor, and (for cases commenced on or after October 17, 2005) the bankruptcy estate is provided in 11 U.S.C. § 505(b).

At the conclusion of a case the trustee (if any) may be discharged as trustee under 11 U.S.C. § 350(a).

ARTICLE III COURT AND JUDGE

request an article III judge to hear this matter according to united States Constitution Article 3: Section 2.-The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; -- to all cases Affecting Ambassadors, other public Ministers, and Consuls-- to all Cases of admiralty and maritime Jurisdiction; -- to Controversies to which the United States shall be a Party; to Controversies between two or more States; -- between a State and Citizens of another State; -- between Citizens of different States; -- between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects n all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.

"By the "judicial power", as distinguished from the legislative power and the executive power, is meant the authority to hear and determine controversies as to law or fact between the government and individuals, or between individual parties. "That power is capable of acting," said the Supreme Court, "only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law; it then becomes a case." The Constitution of the Commonwealth of Australia (1900), which copies this paragraph almost verbatim, defines judicial power as "a power to declare and apply the laws of the

Commonwealth." A court does not express an opinion upon the Constitution, a law of Congress, or a treaty except in a "case" -- -- when its judicial power has been invoked by some one asserting a right. Nor does a court ever decide a constitutional question if it can be avoided; that is, if the case may be disposed of by the decision of other questions the constitutional question will be passed. The purpose in this clause is that essentially National questions shall be tried in National courts.

"One great object in the establishment of the courts of the United States and regulating their jurisdiction," said the Supreme Court, "was to have a tribunal in each State presumed to be free from local influence and to which all who were non-residents or aliens might resort for legal redress."

Under the Articles of Confederation there were no such tribunals as the present National (Federal, so called) courts, and experience had taught the positive need of them.

The judicial power does not extend to a determination of political questions, such as whether a State has a republican form of government.

When a case arises in a State court and involves a question of the Constitution, or of an act of Congress, or of a treaty, it is the duty of the court to follow and enforce the National law; for the Constitution explicitly and emphatically requires 134 that "the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Should a State law, for example, deny "the equal protection of the laws" by favoring one class of citizens as against another; or should a State pass an ex post facto law, or tax exports, or interfere with commerce among the States, or take private property for public use without compensation, or do any other of many things forbidden by the Constitution which have been done: and should the Supreme Court of the State uphold such a law in a case brought by a citizen claiming to be wronged, then "the judicial power of the United States" would "extend" to such a case and it would be the duty of the Supreme Court of the Nation to reverse the ruling of the tribunal of the State and to declare the law of the State to be void and inoperative because of conflict with "the supreme law of the land." In the course of our history the Supreme Court of the United States has been under the necessity of deciding many such cases.

Alexander Hamilton discussed in the "Federalist" the relative powers of the Legislative Department, the Executive Department, and the Judicial Department. "The Executive not only dispenses the honors," he said, "but holds the sword of the community. The Legislative not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The Judiciary, on the contrary, has no influence over either the sword or the purse... and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment. This simple view of the matter suggests several important consequences -- it proves incontestably that the judiciary is beyond comparison the weakest of the three

departments of power, that it can never attack with success either of the others, and that all possible care is requisite to enable it to defend itself against their attacks."

In Canada the Supreme Court of the Dominion passes upon legislation of the Provinces and of the Dominion just as ours determines whether an act of a State legislature or an act of Congress goes beyond the hounds fixed by the Constitution. Many acts of legislation in Canada have been held void for convict with the Constitution, the British North America Act of Parliament of 1867, which follows closely in general plan the Constitution of the United States. This statement may be repeated about Australia and its Constitution of 1900. A decision of the Supreme Court of Canada may be (and many decisions have been) reviewed and sustained or reversed by the Privy Council in London, the court of last resort of the British colonies, except Australia, which refused in 1900 to permit Parliament to insert in its constitution a provision for such appeal. It contended that experience in the United States with a court of final resort justified its opposition to the plan.

TREATY ARE THE SUPREME LAW OF THE LAND

The U.S. Constitution is a treaty between the states creating a corporation for the king. In the below quote pay attention to the large "S" State and the small "s" state. The large "S" State is referring to the corporate State and it's sovereignty over the small "s" state, because of the treaty.
Read the following quote:
"Headnote 5. Besides, the treaty of 1783 was declared by an Act of Assembly of this State passed in 1787, to be law in this State, and this State by adopting the Constitution of the United States in 1789, declared the treaty to be the supreme law of the land. The treaty now under consideration was made, on the part of the United States, by a Congress composed of deputies from each state, to whom were delegated by the articles of confederation, expressly, "the sole and exclusive right and power of entering into treaties and alliances"; and being ratified and made by them, it became a complete national act, and the act and law of every state.

If, however, a subsequent sanction of this State was at all necessary to make the treaty law here, it has been had and repeated. By a statute passed in 1787, the treaty was declared to be law in this State, and the courts of law and equity were enjoined to govern their decisions accordingly. And in 1789 was adopted here the present Constitution of the United States, which declared that all treaties made, or which should be made under the authority of the United States, should be the supreme law of the land; and that the judges in every state should be bound thereby; anything in the Constitution or laws of any state to the contrary not withstanding. Surely, then, the treaty is now law in this State, and the confiscation act, so far as the treaty interferes with it, is annulled."

"By an act of the Legislature of North Carolina, passed in April, 1777, it was, among other things, enacted, "That all persons, being subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland, within ten years last past, in their own right, or acted as factors,

storekeepers, or agents here, or in any of the United States of America, for merchants residing in Great Britain or Ireland, shall take an oath of abjuration and allegiance, or depart out of the State."

Treaties are the "Law of the Land" HAMILTON v. EATEN, 1 N.C. 641(1796), HAMILTON v. EATEN. Ä 2 Mart., 1. U.S. Circuit Court. (June Term, 1796.)

Your presence in the State makes you subject to its laws, read the following quote:

"The states are to be considered, with respect to each other, as independent sovereignties, possessing powers completely adequate to their own government, in the exercise of which they are limited only by the nature and objects of government, by their respective constitutions and by that of the United States. Crimes and misdemeanors committed within the limits of each are punishable only by the jurisdiction of that state where they arise; for the right of punishing, being founded upon the consent of the citizens, express or implied, cannot be directed against those who never were citizens, and who likewise committed the offense beyond the territorial limits of the state claiming jurisdiction. Our Legislature may define and punish crimes committed within the State, whether by citizen or strangers; because the former are supposed to have consented to all laws made by the Legislature, and the latter, whether their residence be temporary or permanent, do impliedly agree to yield obedience to all such laws as long as they remain in the State;" SEE- STATE v. KNIGHT, 1 N.C. 143 (1799), 2 S.A. 70

U.S. Constitution, Article Six, Clause 2: (The Supremacy Clause of the U.S. Constitution)

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Marbury v. Madison : 5 US 137 (1803):

"No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, in would bare no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

(If any statement, within any law, which is passed, is unconstitutional, the whole law is

unconstitutional.)

Shapiro v. Thompson : 394 US 618 (1969):

"The constitutional right to travel from one State to another . . . has been firmly established and repeatedly recognized." United States v. Guest, 383 U.S. 745, 757. This constitutional right, which, of course, includes the right of "entering and abiding in any State in the Union," Truax v. Raich, 239 U.S. 33, 39, is not a mere conditional liberty subject to regulation and control under conventional (394 U.S. 618, 643) due process or equal protection standards. "The right to travel freely from State to State finds constitutional protection that is quite independent of the Fourteenth Amendment." United States v. Guest, supra, at 760, n. 17. As we made clear in Guest, it is a right broadly assertable against private interference as well as governmental action. Like the right of association, NAACP v. Alabama, 357 U.S. 449, it is a virtually unconditional personal right, guaranteed by the Constitution to us all. "

SOME PEOPLES SAY THAT THIS IS THE –
Birth Certificate Truth of The Bankruptcy of 1933
, I want you to answer:

Question: What is a berth? To come into or d The Uniform Commercial Code (UCC) is one of a number of uniform acts that have been promulgated in conjunction with efforts to harmonize the law of sales and other commercial transactions in all 50 states within the United States of America. The Uniform Commercial Code is looked upon as the bible in the world of business. Under Caeser of Rome, it was established that all nations in the empire that do any form of business, should all play on a level field, but what is not told is that the UCC is based directly on Vatican Canon Law, of the Roman Canon Law, which means, its regulations are under the Roman Catholic Church. Now, you maybe wondering what this has to do with birth certificates, so let's break down the origin of birth certificates.

ock at a wharf such as when a ship comes into a dock, it arrives. So consequently, when a ship pulls into a port, it pulls in and stops, that is called its berth, because the ship has now arrived. So because it is on the laws of the high seas, it is governed by the UCC Commercial Law. So when the ship pulls in to it's berth, the first thing the captain must do is to present a certificate of manifest to the port authorities. What is a certificate of manifest? It is a document listing a ship's contents, cargo, crew, and passengers. So whatever the ship brings in at berth, the captain has to present a certificate of manifest showing the identity and value of the items on the ship. Now consequently, when people are born, they come out of their mother's water, therefore they must have a birth certificate, which is a certificate of manifest, because the people are considered a corporation owned item, they are a human resource. This goes back to the German Nazi concept, that every human coming out of their mother's water must be birthed, and therefore the people have to have a certificate of manifest, to see who this individual is and how much they are going to make for the government in their New World Order.

So, since the U.S. went bankrupt in 1933, all new money has to be borrowed into existence. All states started issuing serial-numbered, certificated "warehouse receipts" for births and marriages

in order to pledge the people as collateral against those loans and municipal bonds taken out with the Federal Reserve's banks. The "Full faith and credit" of the American people is said to be that which back the nation's debt. That simply means the American people's ability to labor and pay back that debt. In order to catalog its laborers, the government needed an efficient, methodical system of tracking its property to that end. Humans today are looked upon merely as resources - "human resources," that is. Why do you think when you call to see if a company is hiring, you have to go through a division known as Human Resource? The people are resources to the government, their birth certificates are a security on the New York Stock Exchange, which is why if you look at all birth certificate's in America, it will say at the bottom this is printed on security paper, do not accept if not on full color security paper. At the bottom, you will always have a series of numbers, red numbers printed on the birth certificate, in which those numbers are a security stock exchange number on the World Stock Exchange, in which the American people are worth money to the International Bank that bought the government in the 1930's.

Governmental assignment of a dollar value to the heads of citizens in America began on July 14, 1862, when President Lincoln offered 6 percent interest bearing-bonds to states who freed their slaves on a "per head" basis. See the government knows that they can only extract so much money out of the economy, so their idea is to bankrupt private owners so that the banks who are behind this syndicate become the owners of all the assets in this country. That's the real scheme; that's the real motive. By encouraging Congress to spend money it doesn't have, Congress has to turn around and "lien" on American labor and American private property for collateral. See they do that by fraudulent conversion of birth certificates, for example. Doctors, who are franchisees of the state, are obliged to sign birth certificates and forward them on to the Secretary of State in Sacramento. They make certified copies and forward those birth certificates to the Department of Commerce in Washington, D.C. The Department of Commerce does the same thing: they make certified copies and forward them on to the International Monetary Fund in Brussels, Belgium.

Now this is the center of the hub of the banking syndicate and they are, of course, loaning these huge sums to various governments around the world, including the Congress of the United States. The Congress needs something for collateral, and what they use for collateral are these birth certificates. They get treated as certificates in equity which mature on the 18th birthday of the person whose name appears on the birth certificate. The bank then keeps track of these and uses the number that any particular nation has available, as collateral on the international debt, as "performance units" on the international debt. These certificates in equity end up being regarded as "performance units" on the international debt. The more of those you have, the more money you can borrow. It's like this: the more collateral I have, the more money I can borrow from banks and the more I can secure. So, governments are securing their international debt by "liening" on the persons and property of their citizens. They're doing this on a massive scale, and it's technically a fraudulent conversion of the birth certificate because, if they did that with your birth certificate, they never told you they were doing it. They never told you they were obtaining a lien on your person and starting a third-party debt that you're responsible for. You had no meaningful choice in the matter, which makes it an "unconscionable contract" by definition.

Think of it very simply, as walking into a department store and saying to the salesman, "I really like that refrigerator over there, I want to buy it, ship it to my home tomorrow, and send the bill to, say, Willy Brown." So the next day, the refrigerator ends up in your garage, and the bill ends

up in Willy Brown's mail. Willy Brown opens his mail and says, "What's this, Sears? One refrigerator, $800? What is this? I didn't buy this. I'm not a party to this transaction. I didn't even know about it. Why are they billing me? There must be a mistake here." Well, this is kind of like what is happening now. In this example, the department store is the Federal Reserve. They're supplying Federal Reserve Notes, right? Willy Brown is the American people, and I -- the one who went in there and bought the refrigerator in the first place -- I represent Congress. And I'm saying, "Don't send the bill to me, send it to the American people. And you can lien on their property, by the way. You can use our police, we'll enforce it for you; we'll extract the money." So that's the fraud the government and Obama is keeping from the American people.
The fraud is that Congress bankrupted the U.S. Treasury and turned all their gold over to the Federal Reserve banks, which are not federal government agencies.

The Federal Reserve is a "municipal corporation" created by an act of Congress, but it's still a corporation. And all that gold is now in their hands. But there wasn't enough to discharge the debt that had accumulated up to 1933. They had to go into bankruptcy to discharge the rest of the debt. They're using standard federal bankruptcy rules for this, but the creditors, of course, are in charge. And they're back there telling Congress, "Go ahead, continue spending more money that you don't have, because we know we'll take it out of the land and the labor of the American people, ultimately." And that's what's going on. Look at the current economic situation, the government is using Obama to push this idea concept of stimulus checks as a way for slowing down inflation, creating jobs, and giving the American people more money to spend. Now to the average puppet, this doesn't seem like a bad idea, but what the government doesn't tell the people is that, in the process of them giving these stimulus checks for the American people to spend more money, it will only devalue the American Dollar, and the banks will close up, because how can you spend more in a recession to boost the economy? Therefore by the banks closing up, it will force the American people into a one way electronic spending money system, that will be monitored and administered by the government, forcing the people into compliance with their New World Order.

In 1921, the federal Sheppard-Towner Maternity Act created the birth "registration" or what we now know as the "birth certificate." It was known as the "Maternity Act" and was sold to the American people as a law that would reduce maternal and infant mortality, protect the health of mothers and infants, and for "other purposes." One of those other purposes provided for the establishment of a federal bureau designed to cooperate with state agencies in the overseeing of its operations and expenditures. What it really did was create a federal birth registry which exists today, creating "federal children." This government, under the doctrine of "Parens Patriae," now legislates for American children as if they are owned by the federal government. Through the public school enrollment process and continuing license requirements for most aspects of daily life, these children grow up to be adults indoctrinated into the process of asking for "permission" from the government imposing as God, to do all those things necessary to carry out daily activities that exist in what is called a "free country."
Before 1921 the records of births and names of children were entered into family bibles, as were the records of marriages and deaths. These records were readily accepted by both the family and the law as "official" records.

MOTION FOR EXTENSION OF TIME TO ANSWER

I JUST GOT NOTICE OF THE LAW SUIT AND I NEED MORE TIME TO PREPARE. PLUS I NEED ALL THOSE EMAILS FROM PLAINTIFF-DEBTORS TO REALLY GIVE ANSWER OF THE FACTS.

R. E. Johnson El-Bey

POWER OF CONGRESS OVER INDIAN TRIBES AND TREATIES.

The Ordinance of July 13, 1787 (1 Stat. 52), for the government of the territory of the United States Northwest of the River Ohio, Section III provides:

The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, from time to time shall be made for preventing wrongs being done to them, and for preserving peace and friendship with them. Ante, 1065. (1 Stat., 52.)
Unquestionably a treaty may be modified or abrogated by an Act of Congress, but the power to make and unmake is essentially political and not judicial. (Old Settlers *v.* U. S., 148 U. S. 427.)
The Indians are acknowledged to have an unquestionable and heretofore unquestioned right to the lands they occupy until that right shall have been extinguished by the voluntary cession to our Government. (Worcester *v.* Georgia, 6 Pet. 575; U. S. *v.* Cook, 19 Wall. 593.)

In Lone Wolf *v.* the United States, 187 U. S., 553, the Supreme Court said:

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one not subject to be controlled by the Judicial Department of the Government. Until the year 1871 the policy was pursued of dealing with the Indian tribes by means of treaties, and of course a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf. But, as with treaties made with foreign Nations the Legislative power might pass laws in conflict with treaties made with the Indians. (Thomas *v.* Gay, 169 U. S. 264-270; Spaulding *v.* Chandler, 160 U. S. 394.)
The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. (Also see Conley *v.* Ballinger, 216 U. S. 84; Super *v.* Work, 55 App. D. C. 149.)

Patterson *v.* Jenks, 2 Pet. 216:

A treaty may supersede a prior Act of Congress; and an Act of Congress may supersede a prior Act of Congress; and an Act of Congress may supersede a prior treaty.

Chickasaw Nation *v.* U. S., 22 Court of Claims:

The rights of the Choctaw Nation are founded upon a treaty, an instrument which is a contract between the parties and also a law imposed by the Government upon its citizens and agents. As a contract the Chickasaws are entitled to all its benefits until it is varied by mutual consent or annulled in some manner recognized by law.

United States *v.* Reese, 5 Dill. 405:

The treaty making power of the United States can make a sale or grant of lands to an Indian tribe without an Act of Congress, and Congress has no right to interfere with rights under treaties except in cases purely political. (Also see Wilson *v.* Wall, 6 Wall. 83.)

Congress, having plenary power over the Indians, possesses the power to abrogate treaties made with Indian tribes and to pass laws concerning Indians which in effect would violate treaty obligations; but Congress and the Executive have consistently, with one or two exceptions hereafter mentioned, followed the principle announced in the Northwest Ordinance of 1787, supra.

While attempts have been made in Congress several times, especially in 1868 and 1870, relating to Osage lands, to take Indian lands without adequate compensation and without their consent, such attempts were always defeated by the leading statesmen of the time in both the House and Senate. When Congress, by the Act of March 3, 1871 (16 Stat. 566), prohibited the further making of treaties with Indian tribes, it expressly provided—

That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified. (See U. S. *v.* Berry, 2 McCrary, 58.)

This Act itself indicates that Congress would never knowingly violate an Indian treaty obligation.

When Congress passed an Act authorizing a railroad company to construct its road over the lands of Indians acquired by treaty, President Cleveland on July 7, 1886, in a veto message said:

The bill is in the nature of a general right of way through this Indian reservation. The Indian occupants have not given their consent to it; neither have they been consulted regarding it; nor is there any provision in it for securing their consent or agreement to the location or construction of railroads upon their lands.

The bill is a new and wide departure from the general tenor of legislation affecting Indian reservations. It ignores the right of the Indians to be consulted as to the disposition of their lands, opens wide the door to any railroad company to do what under the treaty covering the greater part of the reservation is reserved to the United States alone. (Messages and Papers of Presidents, vol. 8, 472.)

Thus it will be seen that when Congress overlooked the treaty rights of the Indians, the President stepped in to protect such rights.

While Congress has refrained, with one or two exceptions, from invading or violating the Northwest Ordinance of 1787, and the Act of Congress approved March 3, 1871, supra, several attempts have been made by Executive officers to take Indian treaty lands without the consent of the Indians. A case of this kind occurred when the Old Winnebago Indian Reservation in Dakota was thrown open to settlement by Executive Order issued by the President on February 27, 1885. President Cleveland in reversing such Order said:

Said Order is illegal and in violation of the plighted faith and obligations of the United States contained in sundry treaties with the Indians. * * * In order to maintain inviolate the solemn pledges and plighted faith of the Government as given in the treaties in question, and for the purpose of properly protecting the interests of the Indian tribes as well as of the United States, I declare and proclaim the said Executive Order of February 27, 1885, to be in contravention of the treaty obligations of the United States with the Sioux tribe of Indians and therefore inoperative and of no effect. (Messages and Papers of Presidents, vol. 8, p. 306.)

The Commissioner of Indian Affairs in his annual report for 1890, page 29, stated:

From the execution of the first treaty made between the United States and the Indian tribes residing within its limits (September 17, 1778, with the Delawares) to the adoption of the Act of March 3, 1871 (16 Stat. 566) that "No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty " (sec. 2079, Revised Statutes), the United States has pursued a uniform course in extinguishing the Indian title only with the consent of those tribes which were recognized as having claim to the soil by reason of occupancy, such consent being expressed in treaties. During this period not less than three hundred and seventy treaties have been made and ratified.
Except in the case of the Sioux Indians in Minnesota after the outbreak of 1862, the Government has never extinguished an Indian title as by right of conquest; and in this case the Indians were provided with another reservation, and subsequently were paid the net proceeds arising from the sale of the land vacated.

And in the Wahpeton and Sisseton case, where annuities had been declared forfeited, Congress subsequently paid the Indians such annuities.

In Highrock *v.* Gavin, 45 S. D. 315-179, N. W. 12, the court concisely stated the procedure followed in acquiring Indian lands as follows:

The method of extinguishing Indian title by the United States is either by treaties with the Indians or statutes in aid of or having the nature of treaties.

Leavenworth R. R. Co. *v.* United States, 92 U. S. 733:

The Indians have the unquestionable right to the lands they occupy until it shall have been extinguished by the voluntary cession to the Government. * * * As the attempted transfer of any part of an Indian reservation secured by treaty would also involve a gross breach of the pubic faith, the presumption is conclusive that Congress never meant to grant it.

Minnesota *v.* Hitchcock, 185 U. S. 373:

The Indian right of occupancy has always been held to be sacred, something not to be taken from him except by his consent and then upon such consideration as should be agreed upon.

Therefore, it may be concluded that while Congress has the power to abrogate treaties or agreements between the United States and the Indian tribes and thus violate the plighted faith and obligations of the United States made to such Indian tribes, its policy in the past has been not to exercise such power, and it may be safely asserted that it will not do so in the future, except upon grave cause and in the public interest.

FIDELITY BOND – A CONTRACT OF FIDELITY INSURANCE -, IS A GUARANTY OF PERSONAL HONESTY OF OFFICER FURNISHING INDEMNITY AGAINST HIS DEFALCATION OR NEGLIGENCE. A CONTRACT HEREBY FOR A CONSIDERATION, ONE AGREES TO INDEMNIFY ANOTHER AGAINST LOSS ARISING FROM THE ANT OF HONESTY, INTEGRITY, OR FIDELITY OF AN EMPLOYEE OR OTHER PERSON HOLDING A POSITION OF TRUST. SEE-BLACK'S 6TH, SEE ALSO NOTE.

DEFALCATION- THE ACT OF A DEFAULTER; ACT OF EMBEZZLING; FAILURE TO MEET AN OBLIGATION; MISAPPROPRIATION OF TRUST FUNDS OR MONEY HELD IN FIDUCIARY CAPACITY; FAILURE TO PROPERTY ACCOUNT FOR SUCH FUNDS. COMMONLY SPOKEN OF OFFICERS OF CORPORATIONS OR PUBLIC OFFICIALS. **BLACK'S 6TH.**

NOTE: THE **SECURITY AGREEMENT IS A FIDELITY BOND** INDORSED BY THE STRAW MAN. AS WITH ALL OTHER DOCUMENTS REQUIRING THE STRAW MAN'S SIGNATURE (DRIVER'S LICENSE, IRS FORM 1040, ETC.) THE STRAW MAN'S SURETY/GUARANTOR, I.E. YOU (NOW ALSO THE SECURED PARTY AFTER REDEMPTION), SIGNS FOR ACCOMMODATION.

Richard: Johnson El-Bey

Richard: Johnson el-Bey
Sui Juris, In Propria Persona (not pro per)